

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

WORLD WRESTLING ENTERTAINMENT,
INC. and WWE PROPERTIES
INTERNATIONAL, INC. (as successor in
interest to WWE LIBRARIES, INC.)

Plaintiffs,

v.

AWA WRESTLING ENTERTAINMENT,
INC., and DALE R. GAGNER, an individual,
a/k/a DALE R. GAGNE, a/k/a DALE GAGNE

Defendants.

Civil Action No. 0:07-cv-02058
ADM/JSM

**MOTION FOR A RULE TO SHOW
CAUSE**

Plaintiffs World Wrestling Entertainment, Inc. and WWE Properties International, Inc. (“WWE International”), as successor in interest to WWE Libraries, Inc. (“WWE Libraries”) (collectively “WWE”),¹ by and through their undersigned counsel, respectfully move for a rule to show cause why Defendant Dale R. Gagner (“Gagner”) should not be held in civil contempt due to his continuing violation of this Court’s December 18, 2008 Final Judgment permanently enjoining Gagner from, among other things, using WWE’s AWA and AMERICAN WRESTLING ASSOCIATION marks or any colorable imitations thereof (Docket No. 75) (the “Permanent Injunction”).

¹ Effective August 30, 2011, WWE Libraries was merged into WWE International. As a result of this merger, WWE International acquired from WWE Libraries all of its marks and the common law rights and goodwill associated therewith, including those marks at issue here.

As a result of Gagner's violation of the Permanent Injunction, Gagner should be ordered to pay (1) WWE's attorneys' fees incurred in bringing this motion and (2) a fine in an amount that is no less than the profits Gagner has obtained through his violation of the Permanent Injunction. In addition, WWE respectfully requests the Court include in its Order the imposition of a prospective fine for any future violation of the Permanent Injunction by Gagner in an amount equivalent to the attorneys' fees WWE would incur in bringing a Motion for Rule to Show Cause why Gagner should not be held in civil contempt for that violation.

WHEREFORE, for the reasons set forth in the Memorandum of Law contemporaneously filed in support of this Motion, Plaintiffs World Wrestling Entertainment, Inc. and WWE Properties International, Inc. respectfully request that this Motion be granted.

Dated: October 11, 2018

By: /s/Robert D. Brownson

Robert D. Brownson (#12245)

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